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L.P., LVNV FUNDING, LLC

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9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **SAN FRANCISCO DIVISION**

12 DONNA GARCIA

13 Plaintiff,

14 vs.

15 RESURGENT CAPITAL SERVICES L.P.,
16 LVNV FUNDING, LLC, THE
17 BRACHFELD LAW GROUP, P.C. a.k.a.
18 BRACHFELD & ASSOCIATES, P.C. and
DOES 1-10,

Defendants.

} Case No.: 11cv-01253 EMC

} **OPPOSITION TO PLAINTIFF'S
MOTION FOR ADMINISTRATIVE
RELIEF RE COMPLIANCE WITH
PRE-TRIAL ORDER; PROPOSED
ORDER**

} **HON. EDWARD M. CHEN**

} Complaint Filed: March 15, 2011

19 Without determining whether counsel for defendants Resurgent Capital Services
20 LP and LVNV Funding, LLC was available to personally meet today regarding pretrial
21 procedures, plaintiff's counsel Ronald Wilcox arbitrarily decided to meet with his co-
22 counsel Paul Nathan at Mr. Wilcox's office in San Jose, although Mr. Nathan's office is
23 in San Francisco. Counsel for Resurgent and LVNV already had meetings planned in
24 San Francisco, and will be preparing for and attending those meeting today. It is nothing
25 short of gamesmanship to assert that the proposed meeting was planned for San Jose
26 because it would be more convenient to other counsel.

27 Nonetheless, over the past week, counsel for Resurgent and LVNV has exchanged

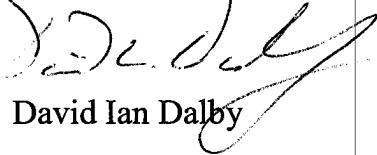
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1 numerous emails with plaintiff's counsel covering all of the subjects to be covered in the
2 Pretrial Conference Statement. The parties exchanged their required motions in limine
3 and oppositions to the motions in limine. Counsel for the parties have exchange witness
4 lists, exhibit lists, proposed jury instructions, voir dire, statement of the case and other
5 materials. Counsel for Resurgent and LVNV will provide a proposed verdict form later
6 this afternoon.

7 An in person meeting between all counsel should not be required to finish the
8 remaining matters that must be attended to for completing the Pretrial Conference
9 Statement and filing pretrial documents. However, if necessary, Resurgent and LVNV
10 respectfully request that the meeting occur at it counsel's office in San Francisco on
11 Tuesday, May 1, 2012.

12 Dated: ~~May~~ ^{April} 30, 2012

13 Hinshaw & Culbertson LLP

14 
15 David Ian Dalby

PROPOSED ORDER

18 Plaintiff's motion is denied.

19 The counsel for plaintiffs and defendants will have an in person meeting at the
20 offices of Hinshaw & Culbertson LLP in San Francisco on May __, 2012.

22 DATED: April __, 2012

25 By: _____
JUDGE OF THE DISTRICT COURT